IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18068 of 2004

Between:

Y.Ayyanna,

s/o Manikya Rao, E.No.96744, r/o Marepalli Mandal,
Kondapoor, Medak District.

..... PETITIONER

AND

1 APSRTC,

rep., by its Managing Director.

Musheerabad, Hyderabad.
2 APSRTC.,

rep., by its Regional Manager
Medak Region,

Sangareddy, Medak District.

3 APSRTC,

rep., by its Depot Manager,
Bus Depot, Narayankhed,

Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not fixing the pay by adding the notional increments for the out of service period i.e., 06-09-1995 to 17-04-2000 as illegal, unjust, in violation of Art.14, 16 & 21 of the Constitution of India and also contrary to the orders passed in WP No.21408 of 2001 and consequently direct the

respondents to re-fix the pay by adding the notional increments for the out of service period alongwith the consequential benefits flowing out of such fixation of pay in the interest of justice.

Counsel for the Petitioner: Mr. V.NARASIMHA GOUD

Counsel for the Respondents: Mr. V.T.M.PRASAD

The Court at the stage of admission made the following ORDER:

The petitioner is working as a Conductor in the respondent-corporation. He was removed from service with effect from 31-1-1996 in the form of a punishment in a disciplinary enquiry. He filed I.D.No.136 of 1996 before the Labour Court II, Hyderabad. The Labour Court directed reinstatement of the petitioner with continuity of service and without back wages. The petitioner was reinstated in pursuance of the said order of the Labour Court, but he was not extended with the benefit of continuity of service by way of working out the notional increments for the out of service period. The petitioner, therefore, filed W.P.No.21408 of 2001 before this Court and this Court through the order dated 15-10-2001 directed the respondents to fix the pay of the petitioner by adding notional increments for the period during which he was removed from service and pay the consequential arrears till date within a period of three months from the date of receipt of a copy of the order. The grievance of the petitioner is that the respondents failed to implement the said order. Therefore, he approached this Court seeking the same relief.

Since there is already an order, passed by this Court in W.P.No.21408 of 2001, the respondents are bound to implement the said order. There is no need to pass any fresh order in this Writ Petition.

The respondents shall immediately implement the order of this court dated 15-10-2001 passed in W.P.No.21408 of 2001.

The Writ Petition is accordingly disposed of.

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(Dr. G.YETHIRAJULU,J)

6th October, 2004.

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To

1 The Managing Director,

APSRTC,

Musheerabad,

Hyderabad.

2 The Regional Manager,

APSRTC.,

Medak Region,

Sangareddy,

Medak District.

3 The Depot Manager,

APSRTC,

Bus Depot,

Narayankhed,

Medak District.

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